IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 700 of 2007
Date of Decision: 5.3.2007

Sumeet Sood and others ...Appellants

Versus

National Insurance Company etc. ....Respondents

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri R.S. Manhas, Advocate, for
Shri R.S. Budhwar, Advocate, for the appellants.

HEMANT GUPTA, J.

The challenge in the present appeal is to the award passed by the learned Motor Accident Claims Tribunal, Gurdaspur, on 17.12.2005, whereby the Tribunal awarded a sum of Rs.3,64,000/- as compensation on account of death of Chaman Lal, against the present appellants, who are driver and owner of the offending vehicle.

The appellants have raised a plea that the deceased-Chaman Lal was travelling in the offending vehicle as a daily paid labourer. However, it has been found that the appellants have not been able to prove that Chaman Lal was a daily paid labourer. Since the appellants failed to prove that Chaman Lal was a daily paid labourer, the appellants were found liable to make payment of the compensation amount. But, the Insurance Company was absolved of its liability as no passenger could travel in the offending vehicle.

The aforesaid finding recorded by the learned

Tribunal cannot be said to be suffering from any patent illegality or irregularity, which may warrant interference by this Court in the present first appeal.

Hence, the present appeal is dismissed in limine.

05-03-2007 (HEMANT GUPTA)
ds JUDGE